

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION**

PATRICIA CONTRERAS

VS.

SAM'S EAST, INC.

§  
§  
§  
§  
§

CIVIL ACTION NO.: 5:21-cv-68

JURY DEMANDED

**INDEX OF DOCUMENTS FILED**  
**WITH REMOVAL ACTION**

- A. Plaintiff's First Amended Petition.
- B. CT Corporation Service of Process Transmittal and Citation with Plaintiff's Original Petition.
- C. CT Corporation Service of Process Transmittal and Citation with Plaintiff's First Amended Petition.
- D. Defendant's Original Answer to Plaintiff's First Amended Petition.
- E. Defendant's Demand for Jury Trial.
- F. District Clerk's Register of Actions.
- G. List of Counsel of Record.
- H. Plaintiff's Original Petition
- I. Plaintiff's Jury Demand.
- J. Letter from Cade Bernsen requesting service.
- K. Citation, Return of Service, and Affidavit of Service as to Sam's Club, LLC
- L. Return of Service to Sam's Club, LLC

# Exhibit A

Filed  
5/25/2021 3:50 PM  
Esther Degollado  
District Clerk  
Webb District  
Yesenia Rodriguez  
2021CVA000694D2

**CAUSE NO. 2021CVA000694D2**

<b>PATRICIA CONTRERAS</b>	<b>§</b>	<b>IN THE DISTRICT COURT OF</b>
	<b>§</b>	
	<b>§</b>	
<b>V.</b>	<b>§</b>	<b>WEBB COUNTY, TEXAS</b>
	<b>§</b>	
<b>SAM'S EAST, INC.</b>	<b>§</b>	<b>111<sup>TH</sup> JUDICIAL DISTRICT</b>

**PLAINTIFF'S FIRST AMENDED PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Patricia Contreras ("Plaintiff"), and files her First Amended Petition complaining of Sam's East, Inc. and would respectfully show the Court as follows:

**DISCOVERY**

Plaintiff intends to conduct discovery under Level 3 of Texas Rule of Civil Procedure 190.3 and affirmatively pleads that this suit is not governed by the expedited actions process in Texas Rule of Civil Procedure 169 because Plaintiff seeks monetary relief over \$250,000.

**JURISDICTION**

This Court has jurisdiction over the parties to this suit and has subject matter jurisdiction over the controversies between the parties. Plaintiff makes a claim for damages for a monetary amount in controversy within the jurisdiction of this Court. Plaintiff seeks monetary relief over \$250,000 but under \$1,000,000. *See* TEX. R. CIV. PRO. 47(c)(3).

**PARTIES**

Plaintiff, Patricia Contreras, is an individual residing in Laredo County, Texas.

Defendant, Sam's East, Inc., is a corporation doing business in Texas. Sam's East, Inc. may be served with process by serving its registered agent in Texas, CT Corporation System, located at 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

### **VENUE**

Venue is proper in Webb County because Webb County is the county in which all or a substantial part of the events or omissions giving rise to these claims occurred. *See* TEX. CIV. PRAC. & REM. CODE § 15.002.

### **FACTS**

On or around June 22, 2019, Plaintiff, Patricia Contreras (“Ms. Contreras”) was passing by in between checkout stations at Sam’s Club located at 4810 San Bernando Avenue, Laredo, Texas 78041 when she slipped in a substance on the floor, fell to the ground, and sustained serious injuries. Ms. Contreras was 20 years-old at the time of the incident and was at home in Laredo visiting her family on summer break from classes at Texas A&M University, where she was a student.

On the date of the incident, Ms. Contreras was passing by in between checkout stations, and there was an employee in front of Ms. Contreras. Ms. Contreras moved out of the way to let the employee pass by, and when she did so, Ms. Contreras slipped and fell on a syrup-type substance that was on the floor in the checkout area. Ms. Contreras landed on her left knee.

Ms. Contreras sustained serious injuries as a result of the slip and fall that required substantial treatment including knee surgery. The fall and all damages and injuries resulting therefrom were not caused by or contributed to by Plaintiff or an innocent third party; nor did same occur through any fault or negligence on the part of Plaintiff, but were caused solely by the acts, wrongs, and/or omissions of the Defendant, which said acts, wrongs, and/or omissions were the proximate cause of the injuries and damages sustained by Plaintiff.

**PREMISES LIABILITY – INVITEE**

Sam's East, Inc. is owner and occupier of the premises located at 4810 San Bernardo Avenue Laredo, Texas 78041 at the time of the slip and fall. Thus, Defendant owed Plaintiff a duty of care to keep the premises safe and free from dangerous conditions.

Plaintiff, Patricia Contreras, entered the premises as a business patron for the mutual benefit of her and Defendant. Thus, Defendant owed Ms. Contreras a legal duty as an invitee.

A condition on the Defendant's premises posed an unreasonable risk of harm. The condition was a slippery substance on the floor. There was no warning sign in the vicinity of the slippery substance on the floor. Further, the substance was on the floor in the checkout area where patrons and employees frequent, and where employees knew, or in the exercise of reasonable care should have known, of this dangerous condition.

Defendant had a duty to use ordinary care to ensure that the premises did not present a danger to Ms. Contreras. This duty includes the duty to inspect, the duty to warn, or the duty to cure the dangerous condition. Defendant breached this duty of ordinary care by failing to cure or eliminate the dangerous condition and/or adequately warn of the dangerous condition. Defendant's breach of this duty proximately caused injury to Plaintiff, which resulted in severe personal injury.

**NEGLIGENCE**

Defendants owed a duty to exercise ordinary care in training and supervising its employees to perform their job duties related to safety and dangerous conditions existing on the premises. Defendants breached this duty. Defendants failed to exercise ordinary care in the inspection and/or cleaning and maintenance of the area near the checkout station where Ms. Contreras slipped. Defendant's breach of its duties placed the public at risk and proximately caused Plaintiff's injuries and damages.

**RESPONDEAT SUPERIOR**

Defendants are liable for the conduct of their agents and employees based on *respondeat superior*.

**DAMAGES**

As a result of the injuries sustained by Plaintiff, Plaintiff hereby sues for the following items of damage:

- a. Physical pain and suffering in the past;
- b. Physical pain and suffering that the Plaintiff will experience in the future;
- c. Mental anguish suffered in the past;
- d. Mental anguish the Plaintiff will experience in the future;
- e. Medical expenses incurred in the past;
- f. Medical expenses the Plaintiff will incur in the future;
- g. Physical impairment suffered in the past;
- h. Physical impairment the Plaintiff will suffer in the future;
- i. Plaintiff suffered lost wages in the past;
- j. Loss of quality of life.

By reason of the facts hereinabove alleged, Plaintiff has been made to suffer and sustain at the hands of the Defendant damages within the jurisdictional requirements of this Court and in such amount as the evidence may show proper at the time of trial.

**PREJUDGMENT AND POST-JUDGMENT INTEREST**

Plaintiff seeks prejudgment and postjudgment interest as allowed by law.

**COURT COSTS**

Plaintiff sues to recover court costs as allowed by law.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial and has tendered the appropriate fee.

**RULE 193.7 NOTICE**

Plaintiff intends to use Defendant's discovery responses as evidence at trial in accordance with such right and privileges established by Texas Rule of Civil Procedure 193.7.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Patricia Contreras, prays that Defendant, Sam's East, Inc., be cited to appear and answer herein, and that upon final hearing hereof, Plaintiff has judgment against Defendant for actual damages, economic damages, prejudgment and postjudgment interest, and costs. Plaintiff further prays for such other and further relief, to which she is entitled both in law and equity.

Respectfully submitted,

THE BERNSEN LAW FIRM

/s/ Cade Bernsen

David Bernsen

State Bar No. 02217500

dbernsen@bernsenlaw.com

Cade Bernsen

State Bar No. 24073918

cbernsen@bernsenlaw.com

Jamie Matuska

State Bar No. 24051062

jmatуска@bernsenlaw.com

420 MLK Jr. Parkway

Beaumont, Texas 77701

(409) 212-9994

(409) 212-9411 facsimile

ATTORNEYS FOR PLAINTIFF

# Exhibit B





**Service of Process  
Transmittal**

06/07/2021

CT Log Number 539690978

**TO:** Kim Lundy Service Of Process  
Walmart Inc.  
702 SW 8TH ST  
BENTONVILLE, AR 72716-6209

**RE: Process Served in Texas**

**FOR:** Sam's East, Inc. (Domestic State: AR)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Contreras Patricia, Pltf. vs. Sam's Club, LLC, Dft. // To: Sam's East Inc  
*Name discrepancy noted.*

**DOCUMENT(S) SERVED:** Citation, Return(s), Petition

**COURT/AGENCY:** 111th Judicial District Court, Webb County, TX  
Case # 2021CVA000694D2

**NATURE OF ACTION:** Personal Injury - Slip/Trip and Fall - 06/22/2019 at Sam's Club located at 4810 San  
Bernardo Avenue, Laredo, TX, 78401

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Dallas, TX

**DATE AND HOUR OF SERVICE:** By Process Server on 06/07/2021 at 15:33

**JURISDICTION SERVED :** Texas

**APPEARANCE OR ANSWER DUE:** By 10:00 a.m. on the Monday next following the expiration of 20 days after service  
(Document(s) may contain additional answer dates)

**ATTORNEY(S) / SENDER(S):** Cade Bernsen  
The Bernsen Law Firm  
420 MLK Jr. Parkway  
Beaumont, TX 77701  
409-212-9994

**ACTION ITEMS:** CT has retained the current log, Retain Date: 06/08/2021, Expected Purge Date:  
06/13/2021  
  
Image SOP  
  
Email Notification, Kim Lundy Service Of Process [ctlawsuits@walmartlegal.com](mailto:ctlawsuits@walmartlegal.com)

**REGISTERED AGENT ADDRESS:** C T Corporation System  
1999 Bryan Street  
Suite 900  
Dallas, TX 75201  
877-564-7529  
[MajorAccountTeam2@wolterskluwer.com](mailto:MajorAccountTeam2@wolterskluwer.com)

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other



**Service of Process  
Transmittal**

06/07/2021

CT Log Number 539690978

**TO:** Kim Lundy Service Of Process  
Walmart Inc.  
702 SW 8TH ST  
BENTONVILLE, AR 72716-6209

**RE: Process Served in Texas**

**FOR:** Sam's East, Inc. (Domestic State: AR)

advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

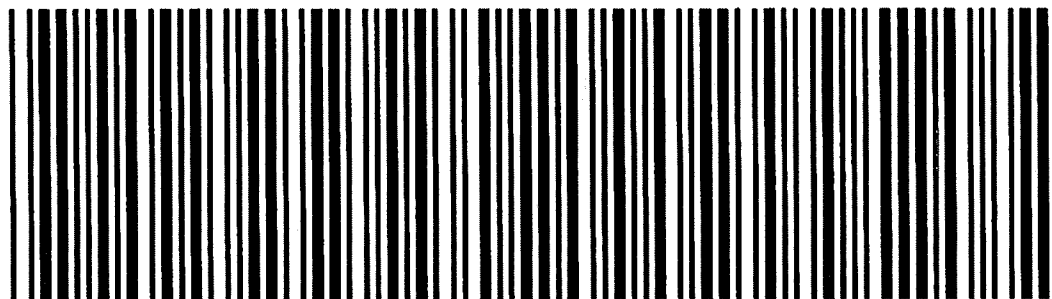


## PROCESS SERVER DELIVERY DETAILS

**Date:** Mon, Jun 7, 2021

**Server Name:** Anthony Collins

Entity Served	SAM'S EAST, INC.
Case Number	2021CVA000694D2
Jurisdiction	TX



CN TIME PROCESS  
1-800-274-6004

6-7-21 AM  
2021

RETURN  
2021CVA000694D2

CITATION  
(PLAINTIFF'S FIRST AMENDED PETITION)

THE STATE OF TEXAS  
COUNTY OF WEBB

NOTICE TO THE DEFENDANT: "YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU. IN ADDITION TO FILING A WRITTEN ANSWER WITH THE CLERK, YOU MAY BE REQUIRED TO MAKE INITIAL DISCLOSURES TO THE OTHER PARTIES OF THIS SUIT. THESE DISCLOSURES GENERALLY MUST BE MADE NO LATER THAN 30 DAYS AFTER YOU FILE YOUR ANSWER WITH THE CLERK. FIND OUT MORE AT TEXASLAWHELP.ORG"

TO: SAM'S EAST INC  
BY SERVING REGISTERED AGENT IN TEXAS CT CORPORATION SYSTEM  
1999 BRYAN ST STE 900  
DALLAS TX 75201

DEFENDANT, IN THE HEREINAFTER STYLED AND NUMBERED CAUSE, YOU ARE HEREBY COMMANDED TO APPEAR BEFORE THE 111th District Court of Webb County, Texas, to be held at the said courthouse of said county in the city of Laredo, Webb County, Texas, by filing a written answer to the Petition of Plaintiff at or before 10:00 O'CLOCK A.M. of the Monday next after the expiration of 20 days after the date of service thereof, a copy of which accompanies this citation, in the Cause #: 2021CVA000694D2, styled:

PATRICIA CONTRERAS, PLAINTIFF  
VS.

SAM'S EAST INC, DEFENDANT

Said Plaintiff's First Amended Petition was filed on 05/25/2021 in said court by:

CADE BERNSEN, ATTORNEY FOR PLAINTIFF  
420 MLK JR PARKWAY  
BEAUMONT TX 77701

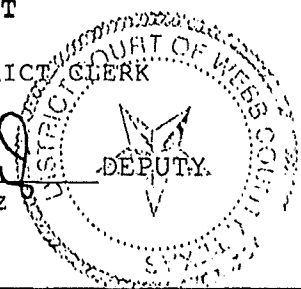
WITNESS ESTHER DEGOLLADO, DISTRICT CLERK OF WEBB COUNTY, TEXAS, Issued and given under my hand and seal of said court at office, on this the 25th day of May, 2021.

C L E R K O F C O U R T

ESTHER DEGOLLADO  
WEBB COUNTY DISTRICT CLERK  
P.O. BOX 667  
LAREDO, TX 78042

BY:

*Yesenia Rodriguez*  
Yesenia Rodriguez



2021CVA000694D2

## OFFICER'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 at  
 \_\_\_\_\_ O'CLOCK \_\_\_\_\_ .M. Executed at  
 \_\_\_\_\_, within the COUNTY of \_\_\_\_\_  
 at \_\_\_\_\_ O'CLOCK \_\_\_\_\_ .M. on the \_\_\_\_\_ day of  
 \_\_\_\_\_, 2021, by delivering to the within named **SAM'S  
 EAST INC**, each, in person, a true copy of this citation together  
 with the accompanying copy of the petition, having first  
 attached such copy of such petition to such copy of citation and  
 endorsed on such copy of citation the date of delivery.

The distance actually travelled by me in serving such process  
 was \_\_\_\_\_ miles, and my fees are as follows:

Total Fee for serving this citation \$ \_\_\_\_\_.

To certify which, witness my hand officially.

\_\_\_\_\_  
 SHERIFF, CONSTABLE

\_\_\_\_\_  
 COUNTY, TEXAS

BY \_\_\_\_\_  
 DEPUTY

THE STATE OF TEXAS )  
 COUNTY OF WEBB )

Before me, the undersigned authority, on this day personally  
 appeared \_\_\_\_\_, who after being duly  
 sworn, upon oath said that a notice, of which the above is a  
 true copy, was by him/her delivered to

\_\_\_\_\_ on the  
 \_\_\_\_\_ day of \_\_\_\_\_.

SWORN TO AND SUBSCRIBED BEFORE ME on the \_\_\_\_\_ day of  
 \_\_\_\_\_, \_\_\_\_\_, to certify which witness my hand and  
 seal of office.

\_\_\_\_\_  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES  
 \_\_\_\_\_

Filed  
4/14/2021 12:46 PM  
Esther Degollado  
District Clerk  
Webb District  
Diana Vela  
2021CVA000694D2

CAUSE NO. 2021CVA000694D2

PATRICIA CONTRERAS	§	IN THE DISTRICT COURT OF
	§	
V.	§	
	§	WEBB COUNTY, TEXAS
	§	
SAM'S CLUB, LLC	§	_____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Patricia Contreras ("Plaintiff"), and files her Original Petition complaining of Sam's Club, LLC and would respectfully show the Court as follows:

**DISCOVERY**

Plaintiff intends to conduct discovery under Level 3 of Texas Rule of Civil Procedure 190.3 and affirmatively pleads that this suit is not governed by the expedited actions process in Texas Rule of Civil Procedure 169 because Plaintiff seeks monetary relief over \$250,000.

**JURISDICTION**

This Court has jurisdiction over the parties to this suit and has subject matter jurisdiction over the controversies between the parties. Plaintiff makes a claim for damages for a monetary amount in controversy within the jurisdiction of this Court. Plaintiff seeks monetary relief over \$250,000 but under \$1,000,000. *See* TEX. R. CIV. PRO. 47(c)(3).

**PARTIES**

Plaintiff, Patricia Contreras, is an individual residing in Laredo County, Texas.

Defendant, Sam's Club, LLC, is a limited liability company doing business in Texas. Sam's Club, LLC may be served with process by serving its registered agent in Texas, Arif Deen, located at 12406 Ashford Hollow, Sugar Land, Texas 77476.

### VENUE

Venue is proper in Webb County because Webb County is the county in which all or a substantial part of the events or omissions giving rise to these claims occurred. *See* TEX. CIV. PRAC. & REM. CODE § 15.002.

### FACTS

On or around June 22, 2019, Plaintiff, Patricia Contreras (“Ms. Contreras”) was passing by in between checkout stations at Sam’s Club located at 4810 San Bernando Avenue, Laredo, Texas 78041 when she slipped in a substance on the floor, fell to the ground, and sustained serious injuries. Ms. Contreras was 20 years-old at the time of the incident and was at home in Laredo visiting her family on summer break from classes at Texas A&M University, where she was a student.

On the date of the incident, Ms. Contreras was passing by in between checkout stations, and there was an employee in front of Ms. Contreras. Ms. Contreras moved out of the way to let the employee pass by, and when she did so, Ms. Contreras slipped and fell on a syrup-type substance that was on the floor in the checkout area. Ms. Contreras landed on her left knee.

Ms. Contreras sustained serious injuries as a result of the slip and fall that required substantial treatment including knee surgery. The fall and all damages and injuries resulting therefrom were not caused by or contributed to by Plaintiff or an innocent third party; nor did same occur through any fault or negligence on the part of Plaintiff, but were caused solely by the acts, wrongs, and/or omissions of the Defendant, which said acts, wrongs, and/or omissions were the proximate cause of the injuries and damages sustained by Plaintiff.

**PREMISES LIABILITY – INVITEE**

Sam's Club, LLC is owner and occupier of the premises located at 4810 San Bernardo Avenue Laredo, Texas 78041 at the time of the slip and fall. Thus, Defendant owed Plaintiff a duty of care to keep the premises safe and free from dangerous conditions.

Plaintiff, Patricia Contreras, entered the premises as a business patron for the mutual benefit of her and Defendant. Thus, Defendant owed Ms. Contreras a legal duty as an invitee.

A condition on the Defendant's premises posed an unreasonable risk of harm. The condition was a slippery substance on the floor. There was no warning sign in the vicinity of the slippery substance on the floor. Further, the substance was on the floor in the checkout area where patrons and employees frequent, and where employees knew, or in the exercise of reasonable care should have known, of this dangerous condition.

Defendant had a duty to use ordinary care to ensure that the premises did not present a danger to Ms. Contreras. This duty includes the duty to inspect, the duty to warn, or the duty to cure the dangerous condition. Defendant breached this duty of ordinary care by failing to cure or eliminate the dangerous condition and/or adequately warn of the dangerous condition. Defendant's breach of this duty proximately caused injury to Plaintiff, which resulted in severe personal injury.

**NEGLIGENCE**

Defendants owed a duty to exercise ordinary care in training and supervising its employees to perform their job duties related to safety and dangerous conditions existing on the premises. Defendants breached this duty. Defendants failed to exercise ordinary care in the inspection and/or cleaning and maintenance of the area near the checkout station where Ms. Contreras slipped. Defendant's breach of its duties placed the public at risk and proximately caused Plaintiff's injuries and damages.



**RESPONDEAT SUPERIOR**

Defendants are liable for the conduct of their agents and employees based on *respondeat superior*.

**DAMAGES**

As a result of the injuries sustained by Plaintiff, Plaintiff hereby sues for the following items of damage:

- a. Physical pain and suffering in the past;
- b. Physical pain and suffering that the Plaintiff will experience in the future;
- c. Mental anguish suffered in the past;
- d. Mental anguish the Plaintiff will experience in the future;
- e. Medical expenses incurred in the past;
- f. Medical expenses the Plaintiff will incur in the future;
- g. Physical impairment suffered in the past;
- h. Physical impairment the Plaintiff will suffer in the future;
- i. Plaintiff suffered lost wages in the past;
- j. Loss of quality of life.

By reason of the facts hereinabove alleged, Plaintiff has been made to suffer and sustain at the hands of the Defendant damages within the jurisdictional requirements of this Court and in such amount as the evidence may show proper at the time of trial.

**PREJUDGMENT AND POST-JUDGMENT INTEREST**

Plaintiff seeks prejudgment and postjudgment interest as allowed by law.

**COURT COSTS**

Plaintiff sues to recover court costs as allowed by law.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial and has tendered the appropriate fee.

**RULE 193.7 NOTICE**

Plaintiff intends to use Defendant's discovery responses as evidence at trial in accordance with such right and privileges established by Texas Rule of Civil Procedure 193.7.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Patricia Contreras, prays that Defendant, Sam's Club, Inc., be cited to appear and answer herein, and that upon final hearing hereof, Plaintiff has judgment against Defendant for actual damages, economic damages, prejudgment and postjudgment interest, and costs. Plaintiff further prays for such other and further relief, to which she is entitled both in law and equity.

Respectfully submitted,

THE BERNSEN LAW FIRM

/s/ Cade Bernsen

David Bernsen

State Bar No. 02217500

dbernsen@bernsenlaw.com

Cade Bernsen

State Bar No. 24073918

cbernsen@bernsenlaw.com

Jamie Matuska

State Bar No. 24051062

jmatуска@bernsenlaw.com

420 MLK Jr. Parkway

Beaumont, Texas 77701

(409) 212-9994

(409) 212-9411 facsimile

ATTORNEYS FOR PLAINTIFF

# Exhibit C



**Service of Process  
Transmittal**

06/16/2021

CT Log Number 539742672

**TO:** Kim Lundy- Email  
Walmart Inc.  
702 SW 8TH ST  
BENTONVILLE, AR 72716-6209

**RE: Process Served in Texas**

**FOR:** Sam's East, Inc. (Domestic State: AR)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Contreras Patricia, Pltf. vs. Sam's East Inc, Dft.  
*Name discrepancy noted.*

**DOCUMENT(S) SERVED:** Citation, Return(s), Amended Petition

**COURT/AGENCY:** 111th Judicial District Court, Webb County, TX  
Case # 2021CVA000694D2

**NATURE OF ACTION:** Personal Injury - Slip/Trip and Fall - 06/22/2019 at Sam's Club located at 4810 San  
Bernardo Avenue, Laredo, TX, 78041

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Dallas, TX

**DATE AND HOUR OF SERVICE:** By Process Server on 06/16/2021 at 03:07

**JURISDICTION SERVED :** Texas

**APPEARANCE OR ANSWER DUE:** By 10:00 a.m. on the Monday next following the expiration date of 20 days after  
service (Document(s) may contain additional answer dates)

**ATTORNEY(S) / SENDER(S):** Cade Bernsen  
The Bernsen Law Firm  
420 MLK Jr. Parkway  
Beaumont, TX 77701  
409-212-9994

**ACTION ITEMS:** CT has retained the current log, Retain Date: 06/16/2021, Expected Purge Date:  
06/21/2021  
Image SOP

**REGISTERED AGENT ADDRESS:** C T Corporation System  
1999 Bryan Street  
Suite 900  
Dallas, TX 75201  
877-564-7529  
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



**Service of Process  
Transmittal**

06/16/2021

CT Log Number 539742672

**TO:** Kim Lundy- Email  
Walmart Inc.  
702 SW 8TH ST  
BENTONVILLE, AR 72716-6209

**RE: Process Served in Texas**

**FOR:** Sam's East, Inc. (Domestic State: AR)

**DOCKET HISTORY:**

<b>DOCUMENT(S) SERVED:</b>	<b>DATE AND HOUR OF SERVICE:</b>	<b>TO:</b>	<b>CT LOG NUMBER:</b>
Citation, Return(s), Petition	By Process Server on 06/07/2021 at 15:33	Kim Lundy Service Of Process Walmart Inc.	539690978

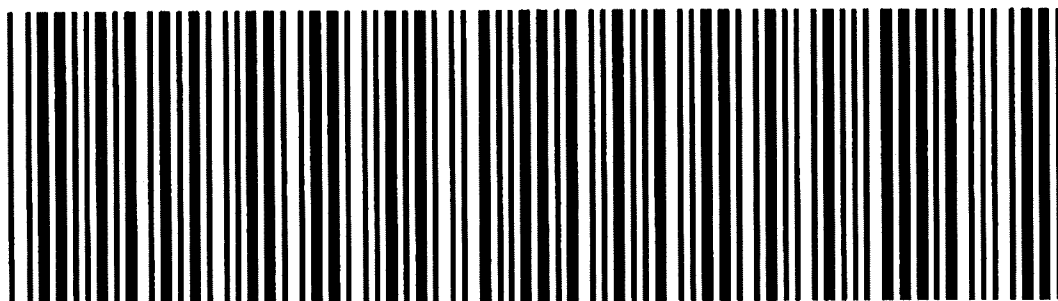


## PROCESS SERVER DELIVERY DETAILS

**Date:** Wed, Jun 16, 2021

**Server Name:** Anthony Collins

Entity Served	SAM'S EAST, INC.
Case Number	2021CVA000694D2
Jurisdiction	TX



RETURN  
2021CVA000694D2

CITATION  
(PLAINTIFF'S FIRST AMENDED PETITION)

THE STATE OF TEXAS  
COUNTY OF WEBB

NOTICE TO THE DEFENDANT: "YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU. IN ADDITION TO FILING A WRITTEN ANSWER WITH THE CLERK, YOU MAY BE REQUIRED TO MAKE INITIAL DISCLOSURES TO THE OTHER PARTIES OF THIS SUIT. THESE DISCLOSURES GENERALLY MUST BE MADE NO LATER THAN 30 DAYS AFTER YOU FILE YOUR ANSWER WITH THE CLERK. FIND OUT MORE AT TEXASLAWHELP.ORG"

TO: SAM'S EAST INC  
BY SERVING REGISTERED AGENT IN TEXAS CT CORPORATION SYSTEM  
1999 BRYAN ST STE 900  
DALLAS TX 75201

DEFENDANT, IN THE HEREINAFTER STYLED AND NUMBERED CAUSE, YOU ARE HEREBY COMMANDED TO APPEAR BEFORE THE 111th District Court of Webb County, Texas, to be held at the said courthouse of said county in the city of Laredo, Webb County, Texas, by filing a written answer to the Petition of Plaintiff at or before 10:00 O'CLOCK A.M. of the Monday next after the expiration of 20 days after the date of service thereof, a copy of which accompanies this citation, in the Cause #: 2021CVA000694D2, styled:

PATRICIA CONTRERAS, PLAINTIFF  
VS.

SAM'S EAST INC, DEFENDANT

Said Plaintiff's First Amended Petition was filed on 05/25/2021 in said court by:

CADE BERNSEN, ATTORNEY FOR PLAINTIFF  
420 MLK JR PARKWAY  
BEAUMONT TX 77701

WITNESS ESTHER DEGOLLADO, DISTRICT CLERK OF WEBB COUNTY, TEXAS, Issued and given under my hand and seal of said court at office, on this the 25th day of May, 2021.

C L E R K O F C O U R T

ESTHER DEGOLLADO  
WEBB COUNTY DISTRICT CLERK  
P.O. BOX 667  
LAREDO, TX 78042

BY: Yesenia Rodriguez DEPUTY.  
Yesenia Rodriguez

2021CVA000694D2

## OFFICER'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 at  
 \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. Executed at  
 \_\_\_\_\_, within the COUNTY of \_\_\_\_\_  
 at \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. on the \_\_\_\_\_ day of  
 \_\_\_\_\_, 2021, by delivering to the within named **SAM'S  
 EAST INC**, each, in person, a true copy of this citation together  
 with the accompanying copy of the petition, having first  
 attached such copy of such petition to such copy of citation and  
 endorsed on such copy of citation the date of delivery.

The distance actually travelled by me in serving such process  
 was \_\_\_\_\_ miles, and my fees are as follows:

Total Fee for serving this citation \$ \_\_\_\_\_.

To certify which, witness my hand officially.

\_\_\_\_\_  
 SHERIFF, CONSTABLE

\_\_\_\_\_  
 COUNTY, TEXAS

BY \_\_\_\_\_  
 DEPUTY

THE STATE OF TEXAS }  
 COUNTY OF WEBB }

Before me, the undersigned authority, on this day personally  
 appeared \_\_\_\_\_, who after being duly  
 sworn, upon oath said that a notice, of which the above is a  
 true copy, was by him/her delivered to

\_\_\_\_\_ on the  
 \_\_\_\_\_ day of \_\_\_\_\_.

SWORN TO AND SUBSCRIBED BEFORE ME on the \_\_\_\_\_ day of  
 \_\_\_\_\_, \_\_\_\_\_, to certify which witness my hand and  
 seal of office.

\_\_\_\_\_  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES  
 \_\_\_\_\_



Filed  
5/25/2021 3:50 PM  
Esther Degollado  
District Clerk  
Webb District  
Yessenia Rodriguez  
2021CVA000694D2

**CAUSE NO. 2021CVA000694D2**

<b>PATRICIA CONTRERAS</b>	<b>§</b>	<b>IN THE DISTRICT COURT OF</b>
	<b>§</b>	
	<b>§</b>	
<b>V.</b>	<b>§</b>	<b>WEBB COUNTY, TEXAS</b>
	<b>§</b>	
<b>SAM'S EAST, INC.</b>	<b>§</b>	<b>111<sup>TH</sup> JUDICIAL DISTRICT</b>

**PLAINTIFF'S FIRST AMENDED PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Patricia Contreras ("Plaintiff"), and files her First Amended Petition complaining of Sam's East, Inc. and would respectfully show the Court as follows:

**DISCOVERY**

Plaintiff intends to conduct discovery under Level 3 of Texas Rule of Civil Procedure 190.3 and affirmatively pleads that this suit is not governed by the expedited actions process in Texas Rule of Civil Procedure 169 because Plaintiff seeks monetary relief over \$250,000.

**JURISDICTION**

This Court has jurisdiction over the parties to this suit and has subject matter jurisdiction over the controversies between the parties. Plaintiff makes a claim for damages for a monetary amount in controversy within the jurisdiction of this Court. Plaintiff seeks monetary relief over \$250,000 but under \$1,000,000. *See* TEX. R. CIV. PRO. 47(c)(3).

**PARTIES**

Plaintiff, Patricia Contreras, is an individual residing in Laredo County, Texas.

Defendant, Sam's East, Inc., is a corporation doing business in Texas. Sam's East, Inc. may be served with process by serving its registered agent in Texas, CT Corporation System, located at 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

**VENUE**

Venue is proper in Webb County because Webb County is the county in which all or a substantial part of the events or omissions giving rise to these claims occurred. *See* TEX. CIV. PRAC. & REM. CODE § 15.002.

**FACTS**

On or around June 22, 2019, Plaintiff, Patricia Contreras (“Ms. Contreras”), was passing by in between checkout stations at Sam’s Club located at 4810 San Bernardo Avenue, Laredo, Texas 78041 when she slipped in a substance on the floor, fell to the ground, and sustained serious injuries. Ms. Contreras was 20 years-old at the time of the incident and was at home in Laredo visiting her family on summer break from classes at Texas A&M University, where she was a student.

On the date of the incident, Ms. Contreras was passing by in between checkout stations, and there was an employee in front of Ms. Contreras. Ms. Contreras moved out of the way to let the employee pass by, and when she did so, Ms. Contreras slipped and fell on a syrup-type substance that was on the floor in the checkout area. Ms. Contreras landed on her left knee.

Ms. Contreras sustained serious injuries as a result of the slip and fall that required substantial treatment including knee surgery. The fall and all damages and injuries resulting therefrom were not caused by or contributed to by Plaintiff or an innocent third party; nor did same occur through any fault or negligence on the part of Plaintiff, but were caused solely by the acts, wrongs, and/or omissions of the Defendant, which said acts, wrongs, and/or omissions were the proximate cause of the injuries and damages sustained by Plaintiff.

**PREMISES LIABILITY – INVITEE**

Sam's East, Inc. is owner and occupier of the premises located at 4810 San Bernardo Avenue Laredo, Texas 78041 at the time of the slip and fall. Thus, Defendant owed Plaintiff a duty of care to keep the premises safe and free from dangerous conditions.

Plaintiff, Patricia Contreras, entered the premises as a business patron for the mutual benefit of her and Defendant. Thus, Defendant owed Ms. Contreras a legal duty as an invitee.

A condition on the Defendant's premises posed an unreasonable risk of harm. The condition was a slippery substance on the floor. There was no warning sign in the vicinity of the slippery substance on the floor. Further, the substance was on the floor in the checkout area where patrons and employees frequent, and where employees knew, or in the exercise of reasonable care should have known, of this dangerous condition.

Defendant had a duty to use ordinary care to ensure that the premises did not present a danger to Ms. Contreras. This duty includes the duty to inspect, the duty to warn, or the duty to cure the dangerous condition. Defendant breached this duty of ordinary care by failing to cure or eliminate the dangerous condition and/or adequately warn of the dangerous condition. Defendant's breach of this duty proximately caused injury to Plaintiff, which resulted in severe personal injury.

**NEGLIGENCE**

Defendants owed a duty to exercise ordinary care in training and supervising its employees to perform their job duties related to safety and dangerous conditions existing on the premises. Defendants breached this duty. Defendants failed to exercise ordinary care in the inspection and/or cleaning and maintenance of the area near the checkout station where Ms. Contreras slipped. Defendant's breach of its duties placed the public at risk and proximately caused Plaintiff's injuries and damages.

**RESPONDEAT SUPERIOR**

Defendants are liable for the conduct of their agents and employees based on *respondeat superior*.

**DAMAGES**

As a result of the injuries sustained by Plaintiff, Plaintiff hereby sues for the following items of damage:

- a. Physical pain and suffering in the past;
- b. Physical pain and suffering that the Plaintiff will experience in the future;
- c. Mental anguish suffered in the past;
- d. Mental anguish the Plaintiff will experience in the future;
- e. Medical expenses incurred in the past;
- f. Medical expenses the Plaintiff will incur in the future;
- g. Physical impairment suffered in the past;
- h. Physical impairment the Plaintiff will suffer in the future;
- i. Plaintiff suffered lost wages in the past;
- j. Loss of quality of life.

By reason of the facts hereinabove alleged, Plaintiff has been made to suffer and sustain at the hands of the Defendant damages within the jurisdictional requirements of this Court and in such amount as the evidence may show proper at the time of trial.

**PREJUDGMENT AND POST-JUDGMENT INTEREST**

Plaintiff seeks prejudgment and postjudgment interest as allowed by law.

**COURT COSTS**

Plaintiff sues to recover court costs as allowed by law.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial and has tendered the appropriate fee.

**RULE 193.7 NOTICE**

Plaintiff intends to use Defendant's discovery responses as evidence at trial in accordance with such right and privileges established by Texas Rule of Civil Procedure 193.7.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Patricia Contreras, prays that Defendant, Sam's East, Inc., be cited to appear and answer herein, and that upon final hearing hereof, Plaintiff has judgment against Defendant for actual damages, economic damages, prejudgment and postjudgment interest, and costs. Plaintiff further prays for such other and further relief, to which she is entitled both in law and equity.

Respectfully submitted,  
THE BERNSEN LAW FIRM

/s/ Cade Bernsen

David Bernsen  
State Bar No. 02217500  
dbernsen@bernsenlaw.com  
Cade Bernsen  
State Bar No. 24073918  
cbernsen@bernsenlaw.com  
Jamie Matuska  
State Bar No. 24051062  
jmatuska@bernsenlaw.com  
420 MLK Jr. Parkway  
Beaumont, Texas 77701  
(409) 212-9994  
(409) 212-9411 facsimile

ATTORNEYS FOR PLAINTIFF

# Exhibit D

Filed  
6/18/2021 2:09 PM  
Esther Degollado  
District Clerk  
Webb District  
Yesenia Rodriguez  
2021CVA000694D2

NO.: 2021CVA000694D2

PATRICIA CONTRERAS	§	IN THE DISTRICT COURT OF
	§	
VS.	§	WEBB COUNTY, TEXAS
	§	
SAM'S EAST, INC.	§	111 <sup>TH</sup> JUDICIAL DISTRICT

**DEFENDANT'S ORIGINAL ANSWER TO  
PLAINTIFF'S FIRST AMENDED PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, SAM'S EAST, INC., Defendant in the above numbered and entitled cause of action, and files this Original Answer to Plaintiff's First Amended Petition and for support thereof would respectfully show unto the Court as follows:

I.

Defendant asserts denials, under Rule 92 of the Texas Rules of Civil Procedure, to each and every allegation contained in the said First Amended Petition, and demands strict proof thereof.

II.

Pleading further and without waiving the foregoing, Defendant asserts that if Plaintiff suffered injuries as a result of the incident made the basis of this lawsuit, which Defendant expressly denies by the filing of this pleading, that said injuries were caused in whole or in part by Plaintiff's own negligence or responsibility. Accordingly, Defendant asserts all rights, privileges and remedies afforded or available pursuant to Chapter 33 of the Texas Civil Practices and Remedies Code.

III.

Pleading further and without waiving the foregoing, Defendant asserts that Plaintiff's recovery of medical or health care expenses, if any, is limited to the amount actually paid or

incurred by or on behalf of Plaintiff. Accordingly, Defendant asserts all rights, privileges and remedies afforded or available to it pursuant to §41.0105 of the Texas Civil Practices and Remedies Code.

IV.

Pleading further and without waiving the foregoing, Defendant asserts that the incident in question was proximately caused or solely proximately caused by the negligent and/or wrongful conduct of persons or third parties outside the control of this Defendant. Accordingly, Defendant asserts all rights, privileges and remedies afforded or available to it pursuant to Chapter 33 of the Texas Civil Practices and Remedies Code.

V.

Pleading further and without waiving the foregoing, Defendant specifically reserves the right to amend this Answer, as is its right under the Texas Rules of Civil Procedure.

PREMISES CONSIDERED, SAM'S EAST, INC. prays that Plaintiff take nothing by this lawsuit, and that Defendant be allowed to go hence without day and recover all of their costs and attorneys' fees, and such other and further relief, both special and general, at law or in equity, to which they may show themselves justly entitled.

Respectfully submitted,

DAW & RAY, LLP

/s/ James K. Floyd

James K. Floyd, TBN: 24047628

Email: [jfloyd@dawray.com](mailto:jfloyd@dawray.com)

Sandy L. Gonzalez; TBN: 24121647

Email: [sgonzalez@dawray.com](mailto:sgonzalez@dawray.com)

14100 San Pedro Ave., Suite 302

San Antonio, TX 78232

(210) 224-3121 Telephone

(210) 224-3188 Facsimile

**ATTORNEYS FOR DEFENDANT**



**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and correct copy of the above and foregoing instrument has been served upon all known counsel of record by electronic service on this the 18th day of June, 2021.

David Bernsen  
Cade Bernsen  
Jamie Matuska  
The Bernsen Law Firm  
420 MLK Jr. Parkway  
Beaumont, Texas 77701

Email: dbernsen@bernsenlaw.com  
Email: cbernsen@bernsenlaw.com  
Email: jmatuska@bernsenlaw.com

**ATTORNEYS FOR PLAINTIFF**

/s/ James K. Floyd

James K. Floyd

# Exhibit E

Filed  
6/18/2021 2:09 PM  
Esther Degollado  
District Clerk  
Webb District  
Yessenia Rodriguez  
2021CVA000694D2

NO.: 2021CVA000694D2

PATRICIA CONTRERAS	§	IN THE DISTRICT COURT OF
	§	
VS.	§	WEBB COUNTY, TEXAS
	§	
SAM'S EAST, INC.	§	111 <sup>TH</sup> JUDICIAL DISTRICT

**DEFENDANT'S DEMAND FOR JURY TRIAL**

COMES NOW, Defendant **SAM'S EAST, INC.** and hereby demand a jury trial as is their right under Tex. Const. Art. I, § 15. Such demand for jury trial is hereby made more than 30 days before the date this case is set for trial in accordance with Tex. R. Civ. P. 216. Defendant tenders the jury fee contemporaneously with the filing of this jury demand which they may show themselves justly entitled.

Respectfully submitted,

DAW & RAY, LLP

/s/ James K. Floyd

James K. Floyd, TBN: 24047628

Email: [jfloyd@dawray.com](mailto:jfloyd@dawray.com)

Sandy L. Gonzalez; TBN: 24121647

Email: [sgonzalez@dawray.com](mailto:sgonzalez@dawray.com)

14100 San Pedro Ave., Suite 302

San Antonio, TX 78232

(210) 224-3121 Telephone

(210) 224-3188 Facsimile

**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and correct copy of the above and foregoing instrument has been served upon all known counsel of record by electronic service on this the 18<sup>th</sup> day of June, 2021.

David Bernsen  
Cade Bernsen  
Jamie Matuska  
The Bernsen Law Firm  
420 MLK Jr. Parkway  
Beaumont, Texas 77701

Email: dbernsen@bernsenlaw.com  
Email: cbernsen@bernsenlaw.com  
Email: jmatuska@bernsenlaw.com

**ATTORNEYS FOR PLAINTIFF**

/s/ James K. Floyd

James K. Floyd

# Exhibit F

[Skip to Main Content](#) [Logout](#) [My Account](#) [Search Menu](#) [New Civil Search](#) [Refine Search](#) [Back](#)
Location : All Courts [Help](#)**REGISTER OF ACTIONS**

CASE No. 2021CVA000694D2

PATRICIA CONTRERAS VS. SAM'S CLUB, LLC, SAM'S EAST INC

§  
§  
§  
§  
§

Case Type: Injury or Damage - Motor Vehicle (DC)  
 Subtype: Motor Vehicle Accident (DC)  
 Date Filed: 04/14/2021  
 Location: --111th District Court

**PARTY INFORMATION**

<b>Defendant</b>	<b>SAM'S CLUB, LLC</b>	<b>Attorneys</b>
<b>Defendant</b>	<b>SAM'S EAST INC</b>	
<b>Plaintiff</b>	<b>CONTRERAS, PATRICIA</b>	<b>CADE BERNSEN</b> Retained 409-212-9994(W)

**EVENTS & ORDERS OF THE COURT**

**OTHER EVENTS AND HEARINGS**

04/14/2021 **Civil Case Filed (OCA)**

04/14/2021 **Original Petition**  
PLAINTIFF'S ORIGINAL PETITION. (DV)

04/14/2021 **Jury Demand**  
LETTER FROM ATTORNEY CADE BERNSEN DATED 04/14/21 RE: PAYMENT OF JURY FEE

04/14/2021 **Notes-Miscellaneous**  
NO JURY DEMAND PAID UPON E-FILING. SHORT \$40.00 OF PAYMENT. (DV)

04/15/2021 **Calendar Call**  
FAXED THE CALENDAR CALL TO ATTORNEY CADE BERNSEN. (DV)

04/15/2021 **Citation-Issuance**  
TWO CITATIONS ISSUED AS TO SAM'S CLUB AND HELD BY CLERK WAITING FOR A SELF ADDRESSED STAMPED ENVELOPE FROM ATTORNEY CADE BERNSEN. (SPOKE TO MEGAN GARCIA) (DV) 4/23/2021 AS INSTRUCTED BY MEGAN GARCIA AT ATTORNEY CADE BERNSEN'S TELEPHONE CALL AND LETTER, THIS CITATION WAS SENT VIA CERTIFIED MAIL TODAY. RETURN RECEIPT # 7018 3090 0000 8173 8160. (DV)

04/15/2021 **Citation**  
SAM'S CLUB, LLC Served 04/29/2021

04/22/2021 **Atty Request - Issuance**  
LETTER FROM ATTORNEY CADE BERSEN FROM BERSEN LAW FIRM- REQUESTING ISSUANCE

04/23/2021 **Citation-Issuance**  
TWO CITATIONS ISSUED AS TO SAM'S CLUB, LLC AND HELD BY CLERK (DV) WAITING FOR SELF ADDRESSED STAMPED ENVELOPE FROM ATTORNEY CADE BERNSEN. (DV) CITATION RELEASED WITH SELF STAMPED ENVELOPE PROVIDED BY BERSEN LAW FIRM. (YR) 5/13/21

04/23/2021 **Citation**  
SAM'S CLUB, LLC Served 05/18/2021

05/10/2021 **Return Receipt**  
CITATION ISSUED AS TO SAM'S CLUB LLC BY CERTIFIED MAIL RR#7018 3090 0000 8173 8160 EXECUTED. DOS:04/29/2021

05/12/2021 **Letter**  
LETTER FROM BERNSEN LAW FIRM ATTORNEY CADE BERSEN WITH SELF STAMPED ENVELOPE TO MAIL OUT CITATION.

05/19/2021 **Citation Return-Executed**  
CITATION ISSUED AS TO SAM'S CLUB, LLC. RETURN EXECUTED. (DOS: 05/18/2021)

05/25/2021 **Amended Petition**  
PLAINTIFF'S FIRST AMENDED PETITION

05/25/2021 **Citation-Issuance**  
CITATION ISSUED AS TO SAM'S EAST INC BY SERVING REGISTERED AGENT CT CORPORATION SYSTEM. HELD BY CLERK PENDING SELF STAMPED ENVELOPE TO MAIL CITATIONS. CITATION RELEASED 6/1/21 MAILED TO ATTORNEY ON A SELF STAMPED ENVELOPE PROVIDED.

05/25/2021 **Citation**  
SAM'S EAST INC Served 06/07/2021  
Returned 06/10/2021

06/01/2021 **Letter**  
LETTER FROM ATTORNEY CADE BERNSEN REQUESTING TO MAIL OUT CITATION WITH SELF STAMPED ENVELOPE PROVIDED.

06/11/2021 **Returns-Miscellaneous**  
CITATION RETURN EXECUTED AS TO SAM'S EAST INC. BY SERVING REGISTERED AGENT IN TEXAS CT CORPORATION SYSTEM DATE OF SERVICE 6/7/21.

07/01/2021 **Calendar Call** (11:00 AM) (Judicial Officer Notzon, Monica Z.)

# Exhibit G

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION**

PATRICIA CONTRERAS

VS.

SAM'S EAST, INC.

§  
§  
§  
§  
§

CIVIL ACTION NO.: 5:21-cv-68

JURY DEMANDED

**LIST OF COUNSEL OF RECORD**

1. David Bernsen; TBN: 02217500  
Email: [dbernsen@bernsenlaw.com](mailto:dbernsen@bernsenlaw.com)  
Cade Bernsen; TBN: 24073918  
Email: [cbernsen@bernsenlaw.com](mailto:cbernsen@bernsenlaw.com)  
Jamie Matuska; TBN: 24051062  
Email: [jmatuska@bernsenlaw.com](mailto:jmatuska@bernsenlaw.com)  
The Bernsen Law Firm  
420 mlk Jr. Parkway  
Beaumont, Texas 77701  
(409) 212-9994 Telephone  
(409) 212-9411 Facsimile  
**ATTORNEYS FOR PLAINTIFF,  
PATRICIA CONTRERAS**

2. James K. Floyd; TBN: 24047628  
Federal ID: 559561  
Email: [jfloyd@dawray.com](mailto:jfloyd@dawray.com)  
Sandy L. Gonzalez; TBN: 24121647  
Federal ID: 3641654  
Email: [sgonzalez@dawray.com](mailto:sgonzalez@dawray.com)  
Daw & Ray, LLP  
14100 San Pedro, Suite 302  
San Antonio, Texas 78232  
(210) 224-3121 Telephone  
(210) 224-3188 Facsimile  
**ATTORNEYS FOR DEFENDANT,  
SAM'S EAST, INC.**



# Exhibit H

Filed  
4/14/2021 12:46 PM  
Esther Degollado  
District Clerk  
Webb District  
Diana Vela  
2021CVA000694D2

CAUSE NO. 2021CVA000694D2

PATRICIA CONTRERAS                   §   IN THE DISTRICT COURT OF

   §

V.   §

   §   WEBB COUNTY, TEXAS

SAM'S CLUB, LLC                   §

   §   \_\_\_\_\_ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Patricia Contreras ("Plaintiff"), and files her Original Petition complaining of Sam's Club, LLC and would respectfully show the Court as follows:

**DISCOVERY**

Plaintiff intends to conduct discovery under Level 3 of Texas Rule of Civil Procedure 190.3 and affirmatively pleads that this suit is not governed by the expedited actions process in Texas Rule of Civil Procedure 169 because Plaintiff seeks monetary relief over \$250,000.

**JURISDICTION**

This Court has jurisdiction over the parties to this suit and has subject matter jurisdiction over the controversies between the parties. Plaintiff makes a claim for damages for a monetary amount in controversy within the jurisdiction of this Court. Plaintiff seeks monetary relief over \$250,000 but under \$1,000,000. *See* TEX. R. CIV. PRO. 47(c)(3).

**PARTIES**

Plaintiff, Patricia Contreras, is an individual residing in Laredo County, Texas.

Defendant, Sam's Club, LLC, is a limited liability company doing business in Texas. Sam's Club, LLC may be served with process by serving its registered agent in Texas, Arif Deen, located at 12406 Ashford Hollow, Sugar Land, Texas 77476.

**VENUE**

Venue is proper in Webb County because Webb County is the county in which all or a substantial part of the events or omissions giving rise to these claims occurred. *See* TEX. CIV. PRAC. & REM. CODE § 15.002.

**FACTS**

On or around June 22, 2019, Plaintiff, Patricia Contreras (“Ms. Contreras”) was passing by in between checkout stations at Sam’s Club located at 4810 San Bernando Avenue, Laredo, Texas 78041 when she slipped in a substance on the floor, fell to the ground, and sustained serious injuries. Ms. Contreras was 20 years-old at the time of the incident and was at home in Laredo visiting her family on summer break from classes at Texas A&M University, where she was a student.

On the date of the incident, Ms. Contreras was passing by in between checkout stations, and there was an employee in front of Ms. Contreras. Ms. Contreras moved out of the way to let the employee pass by, and when she did so, Ms. Contreras slipped and fell on a syrup-type substance that was on the floor in the checkout area. Ms. Contreras landed on her left knee.

Ms. Contreras sustained serious injuries as a result of the slip and fall that required substantial treatment including knee surgery. The fall and all damages and injuries resulting therefrom were not caused by or contributed to by Plaintiff or an innocent third party; nor did same occur through any fault or negligence on the part of Plaintiff, but were caused solely by the acts, wrongs, and/or omissions of the Defendant, which said acts, wrongs, and/or omissions were the proximate cause of the injuries and damages sustained by Plaintiff.

### **PREMISES LIABILITY – INVITEE**

Sam's Club, LLC is owner and occupier of the premises located at 4810 San Bernardo Avenue Laredo, Texas 78041 at the time of the slip and fall. Thus, Defendant owed Plaintiff a duty of care to keep the premises safe and free from dangerous conditions.

Plaintiff, Patricia Contreras, entered the premises as a business patron for the mutual benefit of her and Defendant. Thus, Defendant owed Ms. Contreras a legal duty as an invitee.

A condition on the Defendant's premises posed an unreasonable risk of harm. The condition was a slippery substance on the floor. There was no warning sign in the vicinity of the slippery substance on the floor. Further, the substance was on the floor in the checkout area where patrons and employees frequent, and where employees knew, or in the exercise of reasonable care should have known, of this dangerous condition.

Defendant had a duty to use ordinary care to ensure that the premises did not present a danger to Ms. Contreras. This duty includes the duty to inspect, the duty to warn, or the duty to cure the dangerous condition. Defendant breached this duty of ordinary care by failing to cure or eliminate the dangerous condition and/or adequately warn of the dangerous condition. Defendant's breach of this duty proximately caused injury to Plaintiff, which resulted in severe personal injury.

### **NEGLIGENCE**

Defendants owed a duty to exercise ordinary care in training and supervising its employees to perform their job duties related to safety and dangerous conditions existing on the premises. Defendants breached this duty. Defendants failed to exercise ordinary care in the inspection and/or cleaning and maintenance of the area near the checkout station where Ms. Contreras slipped. Defendant's breach of its duties placed the public at risk and proximately caused Plaintiff's injuries and damages.

**RESPONDEAT SUPERIOR**

Defendants are liable for the conduct of their agents and employees based on *respondeat superior*.

**DAMAGES**

As a result of the injuries sustained by Plaintiff, Plaintiff hereby sues for the following items of damage:

- a. Physical pain and suffering in the past;
- b. Physical pain and suffering that the Plaintiff will experience in the future;
- c. Mental anguish suffered in the past;
- d. Mental anguish the Plaintiff will experience in the future;
- e. Medical expenses incurred in the past;
- f. Medical expenses the Plaintiff will incur in the future;
- g. Physical impairment suffered in the past;
- h. Physical impairment the Plaintiff will suffer in the future;
- i. Plaintiff suffered lost wages in the past;
- j. Loss of quality of life.

By reason of the facts hereinabove alleged, Plaintiff has been made to suffer and sustain at the hands of the Defendant damages within the jurisdictional requirements of this Court and in such amount as the evidence may show proper at the time of trial.

**PREJUDGMENT AND POST-JUDGMENT INTEREST**

Plaintiff seeks prejudgment and postjudgment interest as allowed by law.

**COURT COSTS**

Plaintiff sues to recover court costs as allowed by law.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial and has tendered the appropriate fee.

**RULE 193.7 NOTICE**

Plaintiff intends to use Defendant's discovery responses as evidence at trial in accordance with such right and privileges established by Texas Rule of Civil Procedure 193.7.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Patricia Contreras, prays that Defendant, Sam's Club, Inc., be cited to appear and answer herein, and that upon final hearing hereof, Plaintiff has judgment against Defendant for actual damages, economic damages, prejudgment and postjudgment interest, and costs. Plaintiff further prays for such other and further relief, to which she is entitled both in law and equity.

Respectfully submitted,

THE BERNSEN LAW FIRM

/s/ Cade Bernsen

David Bernsen

State Bar No. 02217500

dbernsen@bernsenlaw.com

Cade Bernsen

State Bar No. 24073918

cbernsen@bernsenlaw.com

Jamie Matuska

State Bar No. 24051062

jmatуска@bernsenlaw.com

420 MLK Jr. Parkway

Beaumont, Texas 77701

(409) 212-9994

(409) 212-9411 facsimile

ATTORNEYS FOR PLAINTIFF

# Exhibit I

Filed  
4/14/2021 2:51 PM  
Esther Degollado  
District Clerk  
Webb District  
Ana Byham  
2021CVA000694D2



420 North MLK, Jr. Pkwy  
BEAUMONT, TEXAS 77701

409-212-9994

409-212-9411 (FAX)

April 14, 2021

Webb County District Clerks Office  
1110 Victoria St., Suite 203  
Laredo, TX 78040

via efile

RE: Cause No. 2021CVA000694D2; Patricia Contreras v Sam's Club, LLC; In the 111<sup>th</sup>  
District Court of Webb County Texas

Dear District Clerk:

Plaintiff demands a jury trial and has tendered the appropriate fee of \$40.00.

Respectfully,

Cade Bernsen

CB/mg



# Exhibit J

Filed  
4/22/2021 1:11 PM  
Esther Degollado  
District Clerk  
Webb District  
Yesenia Rodriguez  
2021CVA000694D2



420 North MLK, Jr. Pkwy  
BEAUMONT, TEXAS 77701

409-212-9994

409-212-9411 (FAX)

April 22, 2021

Webb County District Clerks Office  
1110 Victoria St., Suite 203  
Laredo, TX 78040

via efile

RE: Cause No. 2021CVA000694D2; Patricia Contreras v Sam's Club, LLC; In the 111<sup>th</sup>  
District Court of Webb County Texas

Dear District Clerk:

We would like you to serve the citation certified mail to the Defendant, Sam's Club, LLC and also send a citation back to us. I will mail a self-addressed envelope today and pay the appropriate fees for this additional service.

Respectfully,

Cade Bernsen

CB/mg

# Exhibit K

5/19/2021 9:17 AM

**SERVE**

2021CVA000694D2

Esther Degollado  
District Clerk  
Webb District  
Ricardo Rodriguez  
2021CVA000694D**CITATION****THE STATE OF TEXAS  
COUNTY OF WEBB****COURT DATE: 7/1/2021 AT 11:00 AM**

**NOTICE TO THE DEFENDANT:** "YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU. IN ADDITION TO FILING A WRITTEN ANSWER WITH THE CLERK, YOU MAY BE REQUIRED TO MAKE INITIAL DISCLOSURES TO THE OTHER PARTIES OF THIS SUIT. THESE DISCLOSURES GENERALLY MUST BE MADE NO LATER THAN 30 DAYS AFTER YOU FILE YOUR ANSWER WITH THE CLERK. FIND OUT MORE AT TEXASLAWHELP.ORG"

**TO: SAM'S CLUB, LLC  
BY SERVING ARIF DEEN  
12406 ASHFORD HOLLOW  
SUGAR LAND TX 77476**

**DEFENDANT, IN THE HEREINAFTER STYLED AND NUMBERED CAUSE, YOU ARE HEREBY COMMANDED TO APPEAR BEFORE THE 111th District Court of Webb County, Texas, to be held at the said courthouse of said county in the city of Laredo, Webb County, Texas, by filing a written answer to the Petition of Plaintiff at or before 10:00 O'CLOCK A.M. of the Monday next after the expiration of 20 days after the date of service thereof, a copy of which accompanies this citation, in the Cause #: 2021CVA000694D2, styled:**

**PATRICIA CONTRERAS, PLAINTIFF****VS.****SAM'S CLUB, LLC, DEFENDANT**

Said Plaintiff's Petition was filed on 04/14/2021 in said court by:

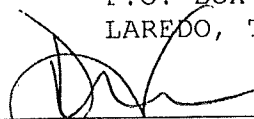
**CADE BERNSEN, ATTORNEY FOR PLAINTIFF  
420 MLK JR PARKWAY  
BEAUMONT TX 77701**

**WITNESS ESTHER DEGOLLADO, DISTRICT CLERK OF WEBB COUNTY, TEXAS, Issued and given under my hand and seal of said court at office, on this the 23rd day of April, 2021.**

**C L E R K O F C O U R T**

**ESTHER DEGOLLADO  
WEBB COUNTY DISTRICT CLERK  
P.O. BOX 667  
LAREDO, TX 78042**

BY:

  
Diana Vela

DEPUTY

**AFFIDAVIT OF SERVICE**

State of Texas

County of Webb

111th Judicial District Court

Case Number: 2021CVA000694D2

Plaintiff:

**Patricia Contreras**

vs.

Defendant:

**Sam's Club LLC**

For:

David Eric Bernsen  
420 M L K Jr Parkway  
Beaumont, TX 77701

Received by Zakon LLC on the 7th day of June, 2021 at 9:45 am to be served on Registered Agent for Sam's East Inc. CT Corporation System, 1999 Bryan St., Ste.900, Dallas, TX 75201.

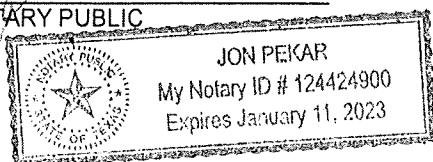
I, Anthony Collins, being duly sworn, depose and say that on the 7th day of June, 2021 at 2:30 pm, I:


Executed service by hand delivering a true copy of the Citation, Copy of Plaintiff's Original Petition to: Aaliyah Wamsley, an authorized acceptance agent employed by Registered Agent CT Corporation System, Inc., who is authorized to accept service of process for Sam's East Inc., at the address of: 1999 Bryan St., Ste.900, Dallas, TX 75201, and informed said person of the contents therein, in compliance with state statutes.

"I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server in good standing in the judicial circuit in which the process was served. I have personal knowledge of the facts set forth in this affidavit, and they are true and correct."

Subscribed and Sworn to before me on the 10th day of June, 2021, by the affiant who is personally known to me.

NOTARY PUBLIC



  
Anthony Collins  
PSC-357 Expires 12/31/2021

Zakon LLC  
148 S. Dowlen  
#668  
Beaumont, TX 77707  
(409) 790-6896

Our Job Serial Number: ONT-2021002839  
Ref: Contreras/Sams



# Exhibit L

CAUSE NO. 2021CVA000694D2

PATRICIA CONTRERAS

Plaintiff,

VS.

SAM'S CLUB LLC

Defendant.

§  
§  
§  
§  
§  
§

IN THE COURT OF

WEBB COUNTY, TEXAS

111TH DISTRICT COURT

RETURN OF SERVICE

"The following came to hand on 5/17/21,

CITATION, NOTICE OF CALENDAR CALL, PLAINTIFF'S ORIGINAL PETITION,

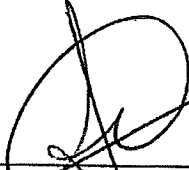
and was executed at 12406 Ashford Hollow Dr, Sugar Land, TX 77478 within the county of FORT BEND at 10:11 AM on Tue, May 18 2021, by delivering a true copy to the within named

SAM'S CLUB LLC C/O ARIF DEEN

in person, having first endorsed the date of delivery on same.

My name is A. BONITA JUAREZ, my date of birth is 7/XX/63, and my address is 2615 Sockeye Dr., Houston, TX 77045, United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in HARRIS County, State of TX, on May 18, 2021.

  
\_\_\_\_\_  
A. BONITA JUAREZ  
Certification Number: PSC11607  
Certification Expiration: 8/31/22